

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. No. 24-701

FRACTAL COMPUTER, MODEL:
FD-C-MES2X-02, SN: 2123FD25660300909,

APPLE IPHONE 11 PRO MAX, SN: H0CLW05ZN70K,

APPLE IPHONE 15 PRO MAX, SN: J4VFD4KG2Q,

AND,

APPLE IPOD 120GB, SN: UNKNOWN,

Defendants-in-rem.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

Plaintiff, United States of America, brings this complaint in accordance with Supplemental Rule G(2) of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action to forfeit and condemn to the use and benefit of the United States of America property used or intended to be used to commit or to promote the commission of violations of 18 U.S.C. § 2252. The property is subject to civil forfeiture pursuant to 18 U.S.C. §§ 981, 983, 2253(a)(3), (b), and 2254.

DEFENDANTS-IN-REM

2. The defendants-in-rem consist of the following:

FRACTAL COMPUTER, MODEL:
FD-C-MES2X-02, SN: 2123FD25660300909,

APPLE IPHONE 11 PRO MAX, SN: H0CLW05ZN70K,

APPLE IPHONE 15 PRO MAX,

and,

APPLE IPOD 120GB,

(hereinafter referred to as the “Defendant Property”).

3. The Defendant Property was seized by the Federal Bureau of Investigation (FBI), on or about February 8, 2024 in the District of New Mexico.

4. The Defendant Property is now, and during the pendency of this action will be, in the jurisdiction of this Court.

JURISDICTION AND VENUE

5. The United States District Court for the District of New Mexico has subject matter jurisdiction under 28 U.S.C. §§ 1345, 1355(a) and 1356.

6. Venue for this civil forfeiture action is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395, as acts or omissions giving rise to the forfeiture took place in this district and the property was initially found in this district. Upon the filing of this complaint, Defendant Property will be arrested by execution of a Warrant for Arrest *In Rem*. See Supplemental Rule G(3)(b)-(c).

FACTS

7. On or about March 22, 2023, a father contacted the FBI to report the sexual extortion (or “sextortion”) of his minor daughter (hereinafter “MINOR VICTIM 1”). MINOR VICTIM 1 had been in communication with an unknown man, later determined to be Erick Sanchez (hereinafter “SANCHEZ”) online and SANCHEZ had offered MINOR VICTIM 1

online gift cards in exchange for sexually explicit images of MINOR VICTIM 1.

8. Prior to March 22, 2023, when MINOR VICTIM 1 had attempted to cut off contact with SANCHEZ, SANCHEZ threatened to send sexually explicit images of MINOR VICTIM 1 to the online contacts of MINOR VICTIM 1.

9. As of approximately March 2023, SANCHEZ had created approximately 426 Snapchat accounts, many of which were related to sextortion and related conduct involving MINOR VICTIM 1 and additional unidentified minor victims.

10. On or about February 8, 2024, FBI agents executed a federal search warrant at SANCHEZ's residence in Santa Fe, New Mexico in the District of New Mexico. The Defendant Property was seized during the execution of this search warrant.

11. FBI personnel subsequently determined that the Defendant Property contained sexually explicit images of minor victims. The Defendant Property remains in the custody of the FBI.

FIRST CLAIM FOR RELIEF

12. The United States incorporates by reference the allegations in paragraphs 1 through 11 as though fully set forth herein.

13. Title 18, United States Code, Section 2254 provides that "[a]ny property subject to forfeiture pursuant to section 2253 may be forfeited to the United States in a civil case in accordance with the procedures set forth in Chapter 46 [(i.e., 18 U.S.C. §§ 981-987)]".

14. Title 18, United States Code, Section 2253(a)(3) provides for the forfeiture of "any property, real or personal, used or intended to be used to commit or to promote the commission of such offense [i.e., a violation of 18 U.S.C. §§ 2251, 2251A, 2252, 2252A, or 2260] or any property traceable to such property."

15. Title 18, United States Code, Section 2252 criminalizes the following conduct,

among other conduct:

(a) Any person who—(1) knowingly transports or ships using any means or facility of interstate or foreign commerce by any means including by computer or mails, any visual depiction, if—(A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and, (B) such visual depiction is of such conduct; [or] (2) knowingly receives, or distributes, any visual depiction using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, or knowingly reproduces any visual depiction for distribution using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or through the mails, if—(A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and (B) such visual depiction is of such conduct.

Title 18, United States Code, Section 2252(b) provides the penalties for the offenses defined in Section 2252(a).

16. The Defendant Property was used or intended to be used to commit or to promote the commission of violations of 18 U.S.C. § 2252 and is therefore subject to civil forfeiture to the United States pursuant to 18 U.S.C. §§ 2253(a), (b), and 2254.

WHEREFORE: Plaintiff seeks arrest of Defendant Property and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimants and any Unknown Claimants to the Defendant Property, costs and expenses of seizure and of this proceeding, and other proper relief.

Respectfully submitted,

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Submitted Electronically July 9, 2024
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